

REMARKS

A. INTRODUCTION

Claims 56-62, 65-70 and 73-81 are pending and rejected.

A fully responsive Reply in accordance with 37 C.F.R. §§1.111(b) was filed on June 7, 2010, with a request for continued examination.

Applicants request entry of this Supplemental Reply with amendment under 37 C.F.R. §1.111(a)(2). This Supplemental Reply is clearly limited to one or more of: adoption of examiner suggestion(s), placement of the application in condition for allowance, correction of informalities and /or simplification of issues for appeal.

Upon entry of the accompanying amendment:

- Claims 56-62, 65-70 and 73-81 will be pending
- Claims 56, 61, 62 and 75-80 will be amended
- Claims 56, 61, 62, 75, 76, 77, 78, 79 and 80 will be the only independent claims
- The Specification will be amended to correct some minor and obvious typographical errors and to indicate the application number corresponding to a U.S. patent (U.S. Patent No. 5,794,207) incorporated by reference upon filing

B. TELEPHONE INTERVIEW

Applicants are grateful to the Examiner for his courtesy in conducting a telephone conversation on August 3, 2010, with Applicants' representative. The Examiner discussed the pending claims and suggested some amendments in light of the U.S. Supreme Court's decision in Bilski v. Kappos. The Examiner also suggested the possibility of an obviousness-type double patenting rejection in light of Walker Digital U.S. Patent Nos. 7,729,988 and 7,376,580. Although no formal agreement was reached, Applicants are grateful for the opportunity to discuss the prosecution status of the present Application with the Examiner.

C. SPECIFICATION AMENDMENTS

The specification has been amended to correct obvious typographical errors and for stylistic reasons. A missing application number (U.S. Patent Application 08/707,660) has been inserted, corresponding to U.S. Patent No. 5,794,207 that was incorporated by reference upon filing of the present Application. No new matter has been added.

D. TERMINAL DISCLAIMER

During a telephone conversation with Examiner Nguyen on August 3, 2010, the Examiner suggested that Applicants file a terminal disclaimer in the present Application with respect to Walker Digital U.S. Patent Nos. 7,729,988 and 7,376,580 in order to avoid any potential obviousness-type double patenting rejection(s) in the present Application.

Applicants do not necessarily agree or disagree with the propriety of the potential obviousness-type double patenting rejection suggested as a possible concern by the Examiner. Further, a prima facie case for rejection on such grounds has not been made formally of record, and Applicants have not been apprised of all of the findings required to establish such a rejection.

Nonetheless, Applicants are filing the requested terminal disclaimer in order to render moot the potential of an obviousness-type double patenting rejection based on the specified patents and to expedite allowance of the present Application, as suggested by the Examiner.

The filing of the terminal disclaimer is not an admission of obviousness of the claimed invention in light of the specified patents, for that is not the basis of the disclaimer. The filing of the terminal disclaimer simply serves the statutory function of removing the “concerns” of rejection for double patenting, and raises neither presumption nor estoppel on the merits of the suggested rejection. See Quad Environmental Tech Corp. v. Union Sanitary Dist., 946 F.2d 870 (Fed. Cir. 1991); MPEP § 804.02(II).

E. CLAIM AMENDMENTS

Although Applicants do not necessarily believe such a change is necessary for any reason related to patentability, independent Claim 56 has been amended to clarify further what was readily apparent from recited language, namely that a reference to “the indication” was to the signal indicating selection by the customer of the second selectable button of the web page. No new matter has been added.

Although Applicants do not necessarily believe such a change is necessary for any reason related to patentability, independent Claims 61, 77 and 78 have been amended (1) to recite a purchase of at least one item and (2) to recite additional language of selling the at least one item of the purchase to the customer. Although Applicants do not necessarily believe such a change is necessary for any reason related to patentability, independent Claims 61 and 77 also have been amended to recite particular desirable embodiments in which at least some functionality is provided explicitly by a merchant server in communication with at least one

customer terminal. No new matter has been added. See, e.g., Specification, FIG. 1; page 6, lines 19-23; page 15, lines 14-20; FIG. 11.

Although Applicants do not necessarily believe such a change is necessary for any reason related to patentability, independent Claims 62, 79 and 80 have been amended to recite a purchase of at least one item and to include additional language of selling the at least one item of the purchase to the customer. No new matter has been added. See, e.g., Specification, 15, lines 14-20; FIG. 11.

Independent Claims 75 and 76 have been amended to correct an error in the prior amendment. Specifically, occurrences of “book” now have been correctly replaced with item, as was explained in the prior reply and intended by the prior amendment. Independent Claims 75 and 76 also have been amended to clarify further what was readily apparent from recited language, namely that a reference to “the indication” was to the signal indicating selection by the customer of the second selectable button of the web page. No new matter has been added.

Applicants respectfully submit that all of the pending claims are in condition for allowance and request entry of this Supplemental Reply and its accompanying amendment.

F. PETITION FOR EXTENSION OF TIME TO RESPOND & AUTHORIZATION TO CHARGE APPROPRIATE FEES

Applicants do not believe that any fees are necessary for this supplemental reply.

Please grant a petition for any extension of time required to make this Response timely. Please also charge any other appropriate fees set forth in 37 C.F.R. §§ 1.16 – 1.18 for this paper and for any accompanying papers to:

Deposit Account: 50-0271

Order No.: 98-109

Please credit any overpayment to the same account.

G. CONCLUSION

It is submitted that all of the claims are in condition for allowance. The Examiner's consideration is respectfully requested.

If the Examiner has any questions regarding this paper or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@finchamdowns.com.

Respectfully submitted,

August 9, 2010
Date

/Michael Downs 50252/
Michael Downs
Attorney for Applicants
Registration No. 50,252
mdowns@finchamdowns.com
(203) 438-6408 /voice
(203) 438-6991 /fax